

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

W.6 Restaurant Group Ltd., d/b/a The	)	CASE NO.:
Barley House of Cleveland	)	
1261 West 6 <sup>th</sup> Street	)	JUDGE
Cleveland, Ohio 44113	)	
	)	<b><u>NOTICE OF REMOVAL OF CIVIL</u></b>
and	)	<b><u>ACTION</u></b>
	)	
Richie Madison	)	
1676 Lewis Drive	)	
Lakewood, Ohio 44107	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
Richard Bengtson	)	
6447 Weidlake Drive	)	
Los Angeles, CA 90068	)	
	)	
and	)	
	)	
Alisa Violet Butler	)	
6447 Weidlake Drive	)	
Los Angeles, CA 90068	)	
	)	
Defendants.	)	

Defendants, Richard Bengtson and Alisa Violet Butler, by and through undersigned counsel, for their Notice of Removal of this case to the United States District Court for the Northern District of Ohio, states pursuant to 28 U.S.C. §1446(a), as follows:

1. On or about November 30, 2017, Plaintiffs, W.6 Restaurant Group, Ltd. and Richie Madison, filed a Verified Civil Complaint entitled *W.6 Restaurant Group, Ltd., et al. v. Richard Bengtson et al.*, Cuyahoga County Court of Common Pleas Case No. CV – 17 – 889784

{01116876-1}

(the “State Court Lawsuit”). A copy of the Summons and Complaint in the State Court Lawsuit are collectively attached hereto as Exhibit A.

2. Defendants have not been served by certified mail with the Summons and Complaint in the State Court Lawsuit.

3. Plaintiffs are citizens of the State of Ohio.

4. Defendant Richard Bengtson is a citizen of the State of California.

5. Defendant Alissa Violet Butler is a citizen of the State of California.

6. There is complete diversity of citizenship between Plaintiffs and Defendants.

7. Venue is proper in this Court pursuant to 28 U.S.C. §§ 115, 1391, 1441(a), and 1446(a) because the Court of Common Pleas for Cuyahoga County, Ohio, where the Verified Complaint was filed, is a state court within the Northern District of Ohio.

8. This Court has subject matter jurisdiction under 28 U.S.C. §1332(a) because (1) there is complete diversity of citizenship between Plaintiffs and Defendants; (2) the amount in controversy based on Plaintiff’s Verified Complaint, with each of the seven counts seeking damages in excess of \$25,000, exceeds \$75,000, exclusive of interests and costs; and (3) all other requirements for removal have been satisfied.

9. On the same date as the filing of this Notice of Removal, Defendants are serving by regular and electronic mail a copy of this Notice of Removal upon Plaintiffs’ attorneys, Jeffrey C. Miller, Christopher B. Congeni, Adam D. Fuller, and Chad R. Rothschild, Brennan, Manna & Diamond, LLC, 200 Public Square, Suite 3270, Cleveland, Ohio 44114.

10. On the same date as the filing of this Notice of Removal, Defendants are filing a copy of this Notice of Removal with the Clerk of Court for the Cuyahoga County, Ohio Court of

Common Pleas, the county in which this action was commenced and pending at the time the Notice of Removal was filed with this Court.

Respectfully submitted,

/s/ Robert T. Glickman

Robert T. Glickman (0059579)

David M. Cuppage (0047104)

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*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

The foregoing was electronically filed this 4th day of December 2017. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. In addition, undersigned counsel is serving this Notice of Removal on Plaintiff's counsel by email and regular U.S. mail upon the following:

JEFFREY C MILLER (0068882)  
200 PUBLIC SQUARE  
SUITE 3270  
CLEVELAND, OH 44114

CHAD R ROTHSCHILD (0088122)  
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AKRON, OH 44308-0000

ADAM D FULLER (0076431)  
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/s/ David M. Cuppage  
David M. Cuppage  
*One of the Attorneys for Defendants*